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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 10/591,022   | 08/29/2006  | Per Muskos           | HT-126              | 4769             |
| 7590   | 12/27/2007  |                      | EXAMINER            |                  |
| Mark P Stone<br>25 Third Street<br>4th Floor<br>Stamford, CT 06905 |             |                      | PATEL, KIRAN B      |                  |
|  |             |                      | ART UNIT            | PAPER NUMBER     |
|  |             |                      | 3612                |                  |
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/591,022

Applicant(s)

MUSKOS, PER

Examiner

Kiran B. Patel

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 28 November 2007.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

Non-Final Rejection (12/21/07)

### **Drawings**

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "a bumper beam fastened in two crash boxes adapted to be fastened to the vehicle, the bumper beam being fastened in the crash boxes, which have such that the bumper beam is vertically off-set from said crash boxes", "the portions of the crash boxes that are not covered by the bumper beam extend towards the front end of the bumper beam to a position within ten mm from the front end of the bumper beam", and "wherein the portions of the crash boxes not covered by the bumper beam extend towards the front of the bumper beam in a substantially horizontal direction" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

The drawings fails to clearly show what is outlined in the specification "The crash boxes are dimensioned not to begin to deform until the bumper beam has been deformed. They are shown as having a higher cross section height than the bumper beam has at its fastening portions. The portions of the crash boxes that are not covered by the bumper beam extend, as shown, to the front end of the bumper beam profile and these portions will take up crash forces when the bumper beam begins to deform or has been deformed. As a result, the tendency of the crash boxes to bend and to rotate the system downwards will be counteracted. In this way, the deformation properties will be good even though the bumper beam is vertically off-set the crash boxes. Preferably, the crash boxes extend substantially to the front end of the bumper beam profile as shown, but the desired function will be there also if they end within 10 mm behind the front end of the bumper beam or possibly even if they pass the bumper beam up to 10 mm".

Claims 1-3 are confusing and are not clear because reference character "17" has been used to designate "crash box", "upper part" and "half", which fails to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-3 are confusing and are not clear because reference character "16" has been used to designate both "lower part" and "half", which fails to particularly

point out and distinctly claim the subject matter which applicant regards as the invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office Action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant has provided "Exhibits to show the features of the invention recited in the claim" (marked up figures 2 and 4) with arguments but failed to indicate what will be incorporated as part of record in the drawings to resolve drawing objections.

### *Claim Rejections - 35 USC § 112*

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-3 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claim 1 recites "a bumper beam fastened in two crash boxes adapted to be fastened to the vehicle, the bumper beam being fastened in the crash boxes, which have such that the bumper beam is vertically off-set from said crash boxes", "the portions of the crash boxes that are not covered by the bumper beam extend towards the front end of the bumper beam to a position within ten mm from the front end of the bumper beam" is not described in the specification and shown in the drawings in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention..

Claim 3 recites "wherein the portions of the crash boxes not covered by the bumper beam extend towards the front of the bumper beam in a substantially horizontal direction" is not described in the specification and shown in the drawings in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention..

Above are just few examples of the discrepancies and therefore the Applicant is requested to go through the application and ensure that the claimed matter has been described in the specification and shown in the drawing in such a way as to convey to one skilled in the art that the inventors, at the time the application was filed, had possession of the claimed invention. Correction is required.

### **Claim Rejections - 35 USC § 102**

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-2, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Miskech et al. (5,876,077).

Regarding Claims 1-2, as best understood, Miskech et al. (5,876,077) discloses the invention as claimed to include a bumper beam 42 fastened to two

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crash boxes 12 wherein the bumper beam 42 is vertically off-set from said crash boxes 12, said crash boxes having greater vertical extension than the bumper beam 42 such that a portion of each of said crash boxes is not covered by said bumper beam 42; wherein a deformation trigger 14, 16 is defined proximate to the inner end of the crash box portion that extends the front end of the bumper beam.

**Response to Arguments**

4. Applicant's arguments with respect to elected claim have been considered but are moot in view of the new ground(s) of rejection.

**Conclusion**

5. The prior art made of record in attached Notice of Reference Cited (PTO-892) and not relied upon is considered pertinent to applicant's disclosure. This art of record shows various features similar to the applicant's invention.

6. Any inquiry concerning this communication or earlier communications should be directed to Primary Examiner Kiran B. Patel whose telephone number is 571-272-6665. The examiner can normally be reached on M-F from 8:00 to 5:00. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Kiran B. Patel/  
Primary Examiner  
Art Unit 3612  
December 21, 2007